**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00086-MR-DLH**

THE UNITED STATES OF AMERICA, for the use and benefit of LW CONSTRUCTION OF CHARLESTON, LLC,))))) **Plaintiff,**)) **vs.**))) **THE HANOVER INSURANCE COMPANY,**))) **Defendant.**) _____)	**O R D E R**

THIS MATTER is before the Court on Defendant The Hanover Insurance Company's Motion to Dismiss [Doc. 22] and the Magistrate Judge's Memorandum and Recommendation [Doc. 33] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On February 4, 2013, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendant's motion. [Doc. 33]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.
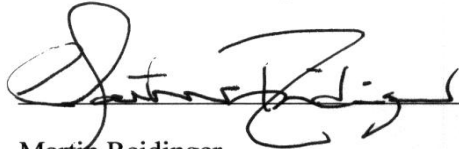
After a careful review of the Magistrate Judge's Recommendation [Doc. 33], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's Motion to Dismiss should be granted and that Counts Three and Five of the Plaintiff's Amended Complaint should be dismissed.

O R D E R

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 33] is **ACCEPTED** and the Defendant's Motion to Dismiss [Doc. 22] is **GRANTED**. Counts Three and Five of the Plaintiff's Amended Complaint are hereby **DISMISSED**.

IT IS SO ORDERED.   Signed: February 25, 2013

Martin Reidinger
United States District Judge